

JUN 29 2011

TONY R. MOORE, CLERK
BY PAE DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

RICKY CARTHAN
LA. DOC. #90493

: DOCKET NO. 2:10 CV617
SECTION "P"

VS.

: JUDGE MINALDI

WARDEN BURL CAIN


: MAGISTRATE JUDGE KAY

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after an independent review of the record, and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law; it is

ORDERED that the petition for writ of *habeas corpus* be TRANSFERRED to the United States Fifth Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(b)(3) for further proceedings by that Court.

THUS DONE AND SIGNED, in Chambers, at Lake Charles, Louisiana, this 28 day
of June 2011.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE